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# Legislative Episodes

John Ely Briggs

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## Legislative Episodes

While James Wilson was a member of the Iowa General Assembly he was chiefly responsible for two epoch-making pieces of legislation: railroad regulation and the "herd law". Back of both enactments was the single idea of the protection of Iowa farmers. In laying the foundation for governmental rate fixing Mr. Wilson anticipated the not far-distant day when the interests of shippers and carriers would clash. The "herd law" was the political acknowledgment of the transition of Iowa from prairie to field, with all the fundamental changes that implied.

Prior to 1868 the policy of both State and Federal legislatures had been to stimulate railroad construction by every means within their power. Millions of acres of the best land in Iowa were donated to the cause; townships, counties, and cities were authorized to tax themselves heavily in aid of new railroads; and railroad companies were granted the power of eminent domain. Individuals contributed money with courageous optimism, while gifts of rights of way and depot sites were common. Every inducement was extended to railroad builders to multiply the tracks of the iron horse. No doubt the public paid far more toward the construction of the first railroads in Iowa than the stockholders did.



In spite of all this encouragement the westward progress of the railroads was slow and uncertain. The people clamored for the fulfillment of promises long deferred. There was little thought of restrictive regulation, present or future: the cry was for railroads — railroads at any price. Governor William M. Stone, in his annual message to the Twelfth General Assembly, declared that while some of the railroad companies which had received land grants had failed to comply with the conditions stipulated the legislature would be “justified in the exercise of still farther leniency toward them.” Any legislation, he thought, “tending to their discouragement should be avoided”.

To the Twelfth General Assembly fell the task of dealing with the delinquent land grant railroads. Several bills were introduced in the House of Representatives and referred to the committee on railroads, of which James Wilson was a member. A farmer himself and the representative of a rural community, he naturally favored legislation fostering the new railroads. But he was not as willing to mortgage the future as some of his colleagues. Perhaps the construction of the Iowa Central Air Line (the Chicago and Northwestern route) through the southern part of Tama County in 1862 and the presence of the road from Dubuque to Iowa Falls fifteen or twenty miles north of his county had some bearing upon his attitude. His inherent antipathy to any action that might prove detrimental to the inter-



ests of agriculture was also a decisive factor in determining his position.

The first measure reported to the House by the committee on railroads was a bill "providing for and requiring the early construction of the Chicago, Rock Island and Pacific Railroad". The majority of the committee were opposed to any provision which might detract from the inducements to build, but James Wilson and one other member refused to accept the majority opinion and submitted a minority report declaring that the bill ought not to pass without a proviso "reserving to the State of Iowa the right of regulating and restricting the freights and fares charged by said railroad company, when in the opinion of the General Assembly they may become oppressive."

For two whole days and parts of two more a hot debate was waged upon the floor of the House. There seemed to be no opposition to renewing the land grant of 1856 and legalizing the issuance of additional stock by the company, but many legislators, especially those from the counties through which the road was to be built, doubted the advisability of imposing any restrictions. Frederick Rector of Fremont County said he had become convinced that it was wrong to legislate against the railroads. It would be time to legislate upon the subject when there was any evidence that the influence or rates of the railroads had become destructive of the interests of the State.



Mr. Wilson maintained that there ought to be no fear that the General Assembly would impose upon the railroads — the opposite was more likely to be the case. There were men, he said, who would advise anything except guarding the interests of the people.

John Hayden of Jefferson County was opposed to enjoining restrictions upon the Rock Island Railroad that could not be placed upon other roads. To this Gibson Browne of Lee County replied that he realized how much the State was indebted to the railroads for its civilization, but he was none the less in favor of the amendment of the gentleman from Tama.

Other members were emphatic in expressing the same opinion. Man after man arose to say that he was not disposed to be unfair to the railroads, but felt that this was a golden moment. "We must assert our right to-day to regulate the charges upon this railroad or forever after remain quiet", declared L. F. Parker, professor of ancient languages in Grinnell College and Representative of Poweshiek County.

There were some, however, who still persisted in the notion that it was inexpedient if not unconstitutional for the State legislature to fix railroad rates, especially if such regulation was confined to the land grant railroads, and they attempted to delay further consideration. Mr. Wilson interposed with a motion to vote upon the question and his amend-



ment to make the Rock Island Railroad subject to rate regulation was adopted by a vote of fifty-four to twenty-nine. The bill as amended then passed the House without a single dissenting vote and the Senate concurred.

Other land grant bills were considered by the Twelfth General Assembly. In every instance the House committee on railroads proposed to postpone the issue of rate regulation, but just as invariably James Wilson made a minority report, sometimes supported by another member of the committee, sometimes alone. Although his amendments always met obstinate opposition they were adopted in every instance, and every land grant act since that time has contained a similar provision.

Thus, it was by virtue of the vision and independence of James Wilson that the State legislature of Iowa first asserted the power to regulate railroad rates in the interest of the public.

When the Thirteenth General Assembly was organized in 1870, James Wilson was appointed chairman of the House committee on agriculture. Of all the problems confronting the farmers of Iowa at that time he regarded the need of a herd law as the most important. The third measure introduced in the House that session was a bill by Mr. Wilson to "restrain stock from running at large." On February 7th the question came before the House and Mr. Wilson took the floor to present a "number of facts in support" of the measure.



Existing fence legislation, he said, "expresses the wants of the farmer in days that are past." The early settlers who located along the well-timbered streams had ready at hand the material to fence their farms and thus protect their crops from stock that was allowed to graze at large upon the uncultivated land. But the extension of the railroads and the high price of wheat had enticed the pioneers out upon the prairie, where the difficulties of fencing their fields constituted a serious problem.

There was not enough timber in the whole State of Iowa to fence its farms — as fences were then built. Already the scarcity of fence material was being felt in some sections. "The early settlers have cut down the fine groves that should have been left to relieve the monotony of the landscape, furnish a sanctuary for the birds and ameliorate the rigors of our climate", declared Mr. Wilson. "The supply of native timber will be completely exhausted in furnishing ties for railroads, material for bridges, and fence posts, before it can be replaced from artificial groves; while the birds, our only protection from insects, are by law invited to leave the State."

In Mr. Wilson's opinion it was imperative to relieve the prairie farmers of the exactions of the existing Iowa fence laws. The cost of fencing a prairie farm, he computed, amounted to more than the original price of the land. By the time a homesteader had built a house, bought some live stock, and purchased a few implements his means were



usually exhausted. To compel such a man to fence his farm was an unwarranted requirement, and yet a neighbor's cattle ought not to be allowed to destroy his crops with impunity.

The remedy, as he saw it, was to fence the pastures instead of the grain fields. Let every one take care of his own stock. At that time each Iowa farm maintained an average of about nine cattle. "Where is the necessity of fencing 160 acres of land for the privilege of keeping nine head of cattle?" he exclaimed. "An acre of land for each, seeded in clover and fenced, would keep them better than they are now kept." In the newly settled counties in the northwestern part of the State the farmers owned much less live stock than the average so that "the fencing of one section in a township, or one acre in thirty-six", was all that would be necessary.

"Perhaps more petitions have been presented for your consideration on this subject than ever were before sent upon any other, except the temperance question", said Mr. Wilson, in concluding his speech. "We do not ask a general law, although we believe the whole State would be benefitted; nor do I wish to take the responsibility of making final legislation for my county. We wish to submit it to a majority vote of any county desiring to act upon it, providing a way by which it can be repealed."

Debate on the bill was confined almost entirely to the procedure of assessing damages against the person whose stock trespassed upon another man's



property. As finally amended the measure passed the House by a vote of eighty to twelve, and was accepted by the Senate, though not without vigorous opposition of a few members.

The work of Mr. Wilson in the Twelfth and Thirteenth General Assemblies seems to have commended him strongly to his constituents. Not only had he insisted upon the right of the State to regulate railroad rates and secured a more equitable fence law in behalf of the farmers in the newly settled western part of the State, but he had steadfastly supported the temperance forces on the liquor question and had voted for an equal suffrage amendment to the Constitution — both of which were prominent issues of the day. At all events he was reëlected in 1871 for his third successive term in the General Assembly — one of five Representatives upon whom that honor was conferred that year.

The results of the election were no sooner announced than it was generally assumed that James Wilson would be chosen Speaker of the House. Shortly after the election Cicero Close announced his candidacy for the speakership but as public opinion became more and more favorable to Mr. Wilson he apparently gave up his aspirations to the office. "Tama Jim" was popular among his colleagues and his reputation for not being bitterly partisan made him acceptable to all factions. When the Republican House caucus met, James Wilson was unanimously selected as the party candidate



for Speaker — an honor bestowed “for the first time” in the history of Iowa. “Iowa has few men of more worth, none of a better manliness, none more thoroughly a representative of the people”, commented the *Des Moines Register*. “That Mr. Wilson will prove a popular presiding officer, his experience in legislative work, acquaintance with parliamentary law, promptness and decision of character, added to a dignified and courteous bearing, leave no doubt.”

Inasmuch as the House was overwhelming Republican, the actual election of Mr. Wilson was a mere formality. Having been conducted to the chair, he made a short speech in which he expressed his appreciation of the honor and concluded with the statement: “Regarding every member upon the floor as my personal friend, I will endeavor to discharge the duties of the chair with fairness, and in the spirit in which you placed me here.”

The Speaker had no sooner taken his seat than a colored waiter from the old Savery House was seen passing down the aisle, bearing a tray on which was a bottle of wine and a glass goblet. He stopped at Ed Campbell’s desk, whereupon the genial Democrat from Fairfield deliberately filled the goblet with wine and, after a fulsome greeting, drank a toast of good fellowship to the success of the Speaker, while the other members looked on in astonishment.

JOHN ELY BRIGGS